



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,226	04/01/2004	Gary J. Ford	07890010US	5374

7055 7590 06/30/2006

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

PIERCE, WILLIAM M

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/814,226	FORD ET AL.	
	Examiner	Art Unit	
	William M. Pierce	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM M. PIERCE
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3711

DETAILED ACTION***Claim Objections***

Claims 13, 18 and 33 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims are functional in that it only sets forth the intention or use for the invention without further limiting the structure of a previously recited element.

Claim Rejections - 35 USC § 112

Claim 2, 7, 12, 14 and 23 and their dependant claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of something that is "approximately equal to approximately less than 2 ¼ inches" cannot be determined. In claim 7, "the approach section" lacks a proper antecedent. In claim 12, "the laminated under floor", in claim 14, "the preformed section" and in claim 23 the "abutting short edges" lack a proper antecedent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9, 12, 13, 19, 24, 25, 30, 31, 33, 37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by De Vore 2,969,983.

As to claims 1, 8, 13, 19, 24, 25, 30, 31, 33, 37, 39 DeVore shows wooden boards 47 held together by adhesive "between the contacting surfaces" (col. 5, ln. 59). As to claim 9, an underlayment 41 is shown. The underfloor 41 is adhesively secured to the boards as called for by claim 12 (col. 6, ln. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3711

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7, 10, 17, 18, 20-23, 26-29, 32, 35-37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Vore.

The size of the boards in claims 2, 3, 26 and 27 is considered an obvious matter of choice and has not been shown to be critical. DeVore shows an approach section 10 as called for by claim 4. The size of the approach as called for in claim 4, 17, 18 and 28 is considered an obvious matter of choice. DeVore teaches the use of any suitable adhesive (col. 4, ln. 55) to meet the limitations of claims 5 and 29. As to claims 7 and 40, the use of synthetic materials in place of wood is well known. As to claims 10, 11 and 32, the use of fiberboard, such as OSB Oriented Strand Board in place of plywood is old and well known. As to claims 20, 21, 35 and 36, counter sunk screws and plugs are well known mechanical fasteners. To have replaced the adhesive of DeVore with that of a mechanical fastener would have been obvious to have replace one known mechanical fastening expedient for that of another. The use of dowels for range finders as called for in claim 22 and 37 is old and well known. As to claim 23, the use of mortise and finger joints to connect two wood elements together is considered to be old and well known. To have use a finger joint in DeVore would have been obvious in order to obtain a stronger joint.

Claims 14-16, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVore in view of Heddon 5,348,513.

DeVore does not detail his foul line 12. Heddon teaches the use of embedded foul lines at the edge of lane panels. To have used a separated bonded piece as foul line 12 in DeVore would have been obvious method of making foul lines known in the art.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mussey, Borders, Stottman and Brunst show wooden lanes using adhesive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The examiner can normally be reached on Monday and Friday 9:00 to 7:00.

Art Unit: 3711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM M. PIERCE
PRIMARY EXAMINER**